

Introduced by Senator Yee

February 20, 2013

An act to repeal and add Section 391 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

SB 343, as introduced, Yee. Dependent children: documents.

Existing law establishes the jurisdiction of the juvenile court, which is permitted to adjudge certain children to be dependents of the court under certain circumstances, and prescribes various hearings and other procedures for these purposes. Existing law prohibits the court from terminating dependency jurisdiction over a nonminor who has reached 18 years of age until a hearing is conducted and the department has submitted a report verifying that specified information, documents, and services have been provided to the child.

This bill would revise and recast these provisions to, among other things, require the county welfare department to submit reports at the first regularly scheduled hearing after the child has attained 16 years of age and at the hearing immediately prior to the child attaining 18 years of age, verifying that it has provided certain of the above-described information, documents, and services to the child. By increasing the reporting duties of county welfare departments, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 391 of the Welfare and Institutions Code
2 is repealed.
3 391. (a) ~~The dependency court shall not terminate jurisdiction~~
4 ~~over a nonminor unless a hearing is conducted pursuant to this~~
5 ~~section.~~
6 (b) ~~At any hearing for a nonminor at which the court is~~
7 ~~considering termination of the jurisdiction of the juvenile court,~~
8 ~~the county welfare department shall do all of the following:~~
9 (1) ~~Ensure that the dependent nonminor is present in court,~~
10 ~~unless the nonminor does not wish to appear in court, and elects~~
11 ~~a telephonic appearance, or document reasonable efforts made by~~
12 ~~the county welfare department to locate the nonminor when the~~
13 ~~nonminor is not available.~~
14 (2) ~~Submit a report describing whether it is in the nonminor's~~
15 ~~best interests to remain under the court's dependency jurisdiction,~~
16 ~~which includes a recommended transitional independent living~~
17 ~~case plan for the nonminor when the report describes continuing~~
18 ~~dependency jurisdiction as being in the nonminor's best interest.~~
19 (3) ~~If the county welfare department recommends termination~~
20 ~~of the court's dependency jurisdiction, submit documentation of~~
21 ~~the reasonable efforts made by the department to provide the~~
22 ~~nonminor with the assistance needed to meet or maintain eligibility~~
23 ~~as a nonminor dependent, as defined in paragraphs (1) to (5),~~
24 ~~inclusive, of subdivision (b) of Section 11403.~~
25 (4) ~~If the nonminor has indicated that he or she does not want~~
26 ~~dependency jurisdiction to continue, the report shall address the~~
27 ~~manner in which the nonminor was advised of his or her options,~~
28 ~~including the benefits of remaining in foster care, and of his or her~~
29 ~~right to reenter foster care and to file a petition pursuant to~~
30 ~~subdivision (e) of Section 388 to resume dependency jurisdiction~~
31 ~~prior to attaining 21 years of age.~~
32 (e) (1) ~~The court shall continue dependency jurisdiction over~~
33 ~~a nonminor who meets the definition of a nonminor dependent as~~

described in subdivision (v) of Section 11400 unless the court finds either of the following:

(A) That the nonminor does not wish to remain subject to dependency jurisdiction.

(B) That the nonminor is not participating in a reasonable and appropriate transitional independent living case plan.

(2) In making the findings pursuant to paragraph (1), the court must also find that the nonminor has been informed of his or her options including the benefits of remaining in foster care and the right to reenter foster care by filing a petition pursuant to subdivision (e) of Section 388 to resume dependency jurisdiction and by completing a voluntary reentry agreement pursuant to subdivision (z) of Section 11400, and has had an opportunity to confer with his or her counsel if counsel has been appointed pursuant to Section 317.

(d) (1) The court may terminate its jurisdiction over a nonminor if the court finds after reasonable and documented efforts the nonminor cannot be located.

(2) When terminating dependency jurisdiction the court shall maintain general jurisdiction over the nonminor to allow for the filing of a petition to resume dependency jurisdiction under subdivision (e) of Section 388 until the nonminor attains 21 years of age, although no review proceedings shall be required. A nonminor may petition the court pursuant to subdivision (e) of Section 388 to resume dependency jurisdiction at any time before attaining 21 years of age.

(e) The court shall not terminate dependency jurisdiction over a nonminor dependent who has attained 18 years of age until a hearing is conducted pursuant to this section and the department has submitted a report verifying that the following information, documents, and services have been provided to the nonminor, or in the case of a nonminor who, after reasonable efforts by the county welfare department, cannot be located, verifying the efforts made to make the following available to the nonminor:

(1) Written information concerning the nonminor's dependency case, including any known information regarding the nonminor's Indian heritage or tribal connections, if applicable, his or her family history and placement history, any photographs of the nonminor or his or her family in the possession of the county welfare department, other than forensic photographs, the whereabouts of

1 any siblings under the jurisdiction of the juvenile court, unless the
2 court determines that sibling contact would jeopardize the safety
3 or welfare of the sibling, directions on how to access the documents
4 the nonminor is entitled to inspect under Section 827, and the date
5 on which the jurisdiction of the juvenile court would be terminated.

6 ~~(2) The following documents:~~

7 ~~(A) Social security card.~~

8 ~~(B) Certified copy of his or her birth certificate.~~

9 ~~(C) Health and education summary, as described in subdivision~~
10 ~~(a) of Section 16010.~~

11 ~~(D) Driver's license, as described in Section 12500 of the~~
12 ~~Vehicle Code, or identification card, as described in Section 13000~~
13 ~~of the Vehicle Code.~~

14 ~~(E) A letter prepared by the county welfare department that~~
15 ~~includes the following information:~~

16 ~~(i) The nonminor's name and date of birth.~~

17 ~~(ii) The dates during which the nonminor was within the~~
18 ~~jurisdiction of the juvenile court.~~

19 ~~(iii) A statement that the nonminor was a foster youth in~~
20 ~~compliance with state and federal financial aid documentation~~
21 ~~requirements.~~

22 ~~(F) If applicable, the death certificate of the parent or parents.~~

23 ~~(G) If applicable, proof of the nonminor's citizenship or legal~~
24 ~~residence.~~

25 ~~(H) An advance healthcare directive form.~~

26 ~~(I) The Judicial Council form that the nonminor would use to~~
27 ~~file a petition pursuant to subdivision (e) of Section 388 to resume~~
28 ~~dependency jurisdiction.~~

29 ~~(J) The written 90-day transition plan prepared pursuant to~~
30 ~~Section 16501.1.~~

31 ~~(3) Assistance in completing an application for Medi-Cal or~~
32 ~~assistance in obtaining other health insurance.~~

33 ~~(4) Referrals to transitional housing, if available, or assistance~~
34 ~~in securing other housing.~~

35 ~~(5) Assistance in obtaining employment or other financial~~
36 ~~support.~~

37 ~~(6) Assistance in applying for admission to college or to a~~
38 ~~vocational training program or other educational institution and~~
39 ~~in obtaining financial aid, where appropriate.~~

1 ~~(7) Assistance in maintaining relationships with individuals~~
2 ~~who are important to a nonminor who has been in out-of-home~~
3 ~~placement for six months or longer from the date the nonminor~~
4 ~~entered foster care, based on the nonminor's best interests.~~

5 ~~(8) For nonminors between 18 and 21 years of age, assistance~~
6 ~~in accessing the Independent Living Aftercare Program in the~~
7 ~~nonminor's county of residence, and, upon the nonminor's request,~~
8 ~~assistance in completing a voluntary reentry agreement for care~~
9 ~~and placement pursuant to subdivision (z) of Section 11400 and~~
10 ~~in filing a petition pursuant to subdivision (c) of Section 388 to~~
11 ~~resume dependency jurisdiction.~~

12 ~~(9) Written information notifying the child that current or former~~
13 ~~dependent children who are or have been in foster care are granted~~
14 ~~a preference for student assistant or internship positions with state~~
15 ~~agencies pursuant to Section 18220 of the Government Code. The~~
16 ~~preference shall be granted to applicants up to 26 years of age.~~

17 ~~(f) At the hearing closest to and before a dependent minor's~~
18 ~~18th birthday and every review hearing thereafter for nonminors,~~
19 ~~the department shall submit a report describing efforts toward~~
20 ~~completing the items described in paragraph (2) of subdivision~~
21 ~~(e).~~

22 ~~(g) The Judicial Council shall develop and implement standards,~~
23 ~~and develop and adopt appropriate forms necessary to implement~~
24 ~~this provision.~~

25 ~~(h) This section shall become operative on January 1, 2012.~~

26 SEC. 2. Section 391 is added to the Welfare and Institutions
27 Code, to read:

28 391. (a) At the first regularly scheduled court hearing after a
29 dependent child has attained 16 years of age, the county welfare
30 department shall submit a report verifying that the following
31 information, documents, and services have been provided to the
32 child:

33 (1) Social security card.

34 (2) Certified copy of the birth certificate.

35 (3) Driver's license, as described in Section 12500 of the Vehicle
36 Code, or identification card, as described in Section 13000 of the
37 Vehicle Code.

38 (4) Assistance in obtaining employment or other financial
39 support, if applicable.

1 (5) Assistance in applying for, or preparing to apply for,
2 admission to college or to a vocational training program or other
3 educational institution and in obtaining financial aid, where
4 applicable.

5 (6) Written information notifying the child that current or former
6 dependent children who are or have been in foster care are granted
7 a preference for student assistant or internship positions with state
8 agencies pursuant to Section 18220 of the Government Code until
9 he or she attains 26 years of age.

10 (b) At the hearing immediately prior to a dependent child
11 attaining 18 years of age and at every review hearing thereafter,
12 the county welfare department shall submit a report describing
13 efforts toward providing the following information, documents,
14 and services to the child:

15 (1) All of the documents, written information, and assistance
16 set forth in subdivision (a).

17 (2) A letter prepared by the county welfare department that
18 includes the following information:

19 (A) The nonminor's name and date of birth.

20 (B) The dates during which the nonminor was within the
21 jurisdiction of the juvenile court.

22 (C) A statement that the nonminor was a foster youth in
23 compliance with state and federal financial aid documentation
24 requirements.

25 (D) If applicable, the death certificate of the parent or parents.

26 (E) If applicable, proof of the nonminor's citizenship or legal
27 residence.

28 (F) An advance health care directive form.

29 (G) The Judicial Council form that the nonminor would use to
30 file a petition pursuant to subdivision (e) of Section 388 to resume
31 dependency jurisdiction.

32 (H) The written 90-day transition plan prepared pursuant to
33 Section 16501.1.

34 (3) If applicable, referrals to transitional housing, if available,
35 or assistance in securing other housing.

36 (4) Assistance in maintaining relationships with individuals
37 who are important to a nonminor who has been in out-of-home
38 placement for six months or longer from the date the nonminor
39 entered foster care, based on the nonminor's best interests.

1 (c) The dependency court shall not terminate jurisdiction over
2 a nonminor unless a hearing is conducted pursuant to this section.
3 At any hearing at which the court is considering terminating
4 jurisdiction over a nonminor, the county welfare department shall
5 do all of the following:

6 (1) Ensure that the dependent nonminor is present in court,
7 unless the nonminor does not wish to appear in court and elects a
8 telephonic appearance, or document reasonable efforts made by
9 the county welfare department to locate the nonminor when the
10 nonminor is not available.

11 (2) Submit a report describing whether it is in the nonminor's
12 best interests to remain under the court's dependency jurisdiction,
13 which includes a recommended transitional independent living
14 case plan for the nonminor when the report describes continuing
15 dependency jurisdiction as being in the nonminor's best interest.

16 (3) If the county welfare department recommends termination
17 of the court's dependency jurisdiction, submit documentation of
18 the reasonable efforts made by the department to provide the
19 nonminor with the assistance needed to meet or maintain eligibility
20 as a nonminor dependent, as defined in paragraphs (1) to (5),
21 inclusive, of subdivision (b) of Section 11403.

22 (4) If the nonminor has indicated that he or she does not want
23 dependency jurisdiction to continue, the report shall address the
24 manner in which the nonminor was advised of his or her options,
25 including the benefits of remaining in foster care, and of his or her
26 right to reenter foster care and to file a petition pursuant to
27 subdivision (e) of Section 388 to resume dependency jurisdiction
28 prior to attaining 21 years of age.

29 (d) (1) The court shall continue dependency jurisdiction over a
30 nonminor who meets the definition of a nonminor dependent as
31 described in subdivision (v) of Section 11400 unless the court finds
32 either of the following:

33 (A) That the nonminor does not wish to remain subject to
34 dependency jurisdiction.

35 (B) That the nonminor is not participating in a reasonable and
36 appropriate transitional independent living case plan.

37 (2) In making the findings pursuant to paragraph (1), the court
38 must also find that the nonminor has been informed of his or her
39 options including the benefits of remaining in foster care and the
40 right to reenter foster care by filing a petition pursuant to

1 subdivision (e) of Section 388 to resume dependency jurisdiction
2 and by completing a voluntary reentry agreement pursuant to
3 subdivision (z) of Section 11400, and has had an opportunity to
4 confer with his or her counsel if counsel has been appointed
5 pursuant to Section 317.

6 (e) The court may terminate its jurisdiction over a nonminor if
7 the court finds after reasonable and documented efforts the
8 nonminor cannot be located.

9 (f) When terminating dependency jurisdiction the court shall
10 maintain general jurisdiction over the nonminor to allow for the
11 filing of a petition to resume dependency jurisdiction under
12 subdivision (e) of Section 388 until the nonminor attains 21 years
13 of age, although no review proceedings shall be required. A
14 nonminor may petition the court pursuant to subdivision (e) of
15 Section 388 to resume dependency jurisdiction at any time before
16 attaining 21 years of age.

17 (g) The court shall not terminate dependency jurisdiction over
18 a nonminor dependent who has attained 18 years of age until a
19 hearing is conducted pursuant to this section. Jurisdiction shall not
20 be terminated until the department has submitted a report verifying
21 that the following information, documents, and services have been
22 provided to the nonminor, or in the case of a nonminor who, after
23 reasonable efforts by the county welfare department, cannot be
24 located, verifying the efforts made to make the following available
25 to the nonminor:

26 (1) Assistance in accessing the Independent Living Aftercare
27 Program in the nonminor's county of residence, and, upon the
28 nonminor's request, assistance in completing a voluntary reentry
29 agreement for care and placement pursuant to subdivision (z) of
30 Section 11400 and in filing a petition pursuant to subdivision (e)
31 of Section 388 to resume dependency jurisdiction.

32 (2) Written information concerning the nonminor's dependency
33 case, including, but not limited to, all of the following:

34 (A) Any known information regarding the nonminor's Indian
35 heritage or tribal connections.

36 (B) If applicable, his or her family history and placement history.

37 (C) Any photographs of the nonminor or his or her family in
38 the possession of the county welfare department, other than forensic
39 photographs.

1 (D) The whereabouts of any siblings under the jurisdiction of
2 the juvenile court, unless the court determines that sibling contact
3 would jeopardize the safety or welfare of the sibling.

4 (E) Directions on how to access the documents the nonminor
5 is entitled to inspect under Section 827.

6 (F) The date on which the jurisdiction of the juvenile court
7 would be terminated.

8 (3) The health and education summary described in subdivision
9 (a) of Section 16010.

10 (4) The Judicial Council form that the nonminor would use to
11 file a petition pursuant to subdivision (e) of Section 388 to resume
12 dependency jurisdiction.

13 (5) Assistance with the following:

14 (A) Completing an application for Medi-Cal or assistance in
15 obtaining other health insurance.

16 (B) Referrals to transitional housing, if available, or assistance
17 in securing other housing.

18 SEC. 3. If the Commission on State Mandates determines that
19 this act contains costs mandated by the state, reimbursement to
20 local agencies and school districts for those costs shall be made
21 pursuant to Part 7 (commencing with Section 17500) of Division
22 4 of Title 2 of the Government Code.